

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.510 of 2006

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06.1.2006

Between:

Yesuprabhu Mahila Yanadi Yuvajana Seva Sangam,

Represented by its Secretary, Smt.K.Deenamma

... Petitioner

AND

The Commissioner & Director of Municipal

Administration, Andhra Pradesh, Hyderabad

And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.510 of 2006

ORDER:

Yesuprabhu Mahila Yanadi Yuvajana Seva Sangam (Sangam, for brevity) represented by its Secretary, filed the instant writ petition seeking a writ of Mandamus declaring the short tender notice ROC No.3159/2005/F1, dated 29.12.2005 issued by the third respondent herein as illegal, arbitrary, unreasonable and violative of Articles 14 and 21 of Constitution of India. The Sangam also seeks a consequential direction to the respondents to extend the period of contract of sanitation work as per circular ROC No.6755/2001/N4, dated 04.6.2004 issued by the first respondent herein.

The fact of the matter is not in dispute. The petitioner Sangam is an association of unemployed women recognised as DWACRA and DWCUA and as a society registered under the Societies Registration Act, 1860 in the year 2001. By proceedings dated 04.12.2001, the third respondent allotted sanitation work in Municipality to the petitioner Sangham which includes cleaning of drainage and sweeping of roads in Division III of Chilakaluripet Municipality for a period of three years. After completion of the period, it appears, the third respondent issued work

order extending the work for a further period of three years with effect from 05.12.2004. However purporting to act on the instructions of the first respondent issued vide order dated 09.3.2005, the third respondent terminated the sanitation work allotted to the petitioner Sangam. Challenging the same, the petitioner filed W.P.No.6236 of 2005 before this Court and statedly by order dated 14.3.2005 in W.P.M.P.No.8260 of 2005 this Court suspended the orders of the first respondent dated 09.3.2005. While the writ petition is pending, the petitioner appears to have made representation on 30.11.2005 to the third respondent to extent the period of contract in accordance with the circular issued by the first respondent on 04.6.2004. The same was not considered but the third respondent issued a short tender notice on 29.12.2005 inviting tenders. Aggrieved by the said tender notice, the present writ petition is filed.

The learned Counsel for petitioner Sangam contends that having extended the contract for a period of three years from 05.12.2004, it was not proper for the third respondent to terminate the same. Secondly, he would urge that when the writ petition filed by the petitioner herein is pending before this Court, without considering the representation of the petitioner dated 30.11.2005, issuing the short tender notice is illegal. Thirdly, he would urge that as per the circular issued by the third respondent on 04.6.2004 the period of contract for sanitation work given to DWCUA has to be automatically extended for a period of six months and the third respondent committed illegality by not extending the same as per the circular. **Per contra**, the learned Standing Counsel for Chilakaluripet Municipality submits that the circular dated 04.6.2004 was issued as one-time measure and the petitioner is not entitled for any benefit under the same. Secondly, he would urge that the respondent issued short tender notice in accordance with A.P.Municipalities Tender Rules, 1967 and the directions issued by the Government in G.O.Ms. No.581 dated 09.11.1996.

The order passed by the third respondent terminating the work allotted to the petitioner Sangam for a period of three years from 05.12.2004 is already under challenge in W.P.No.6236 of 2005. Therefore, it is not proper to go into the said question. Insofar as the right of the petitioner to seek extension under the circular issued by the first respondent on 04.6.2004 is concerned, the submission is misconceived. A reading of the said circular would show that the first respondent ordered to give uniform extension by six months even if the DWCUA have completed their contract period for sanitation work. The period of six months extension, which was to be given also expired, as the said circular is dated 04.6.2004 and the petitioner was not entitled to any further extension under the said circular. Further, a perusal of the impugned short tender notice would show that the third respondent invited tenders from eligible sanitation societies to take up the sanitation work in Ward Nos.8, 9, 10, 11, 12, 20 (part), 21 (part), 22, 23 and 27 (part). No tender notice was issued in respect of Division III for which the petitioner was selected in the year 2001. In that view of the matter, it is doubtful whether the petitioner's grievance is genuine.

The petitioner has not demonstrated any right vested in it for enforcing in this proceedings under Article 226 of Constitution of India, and therefore, the writ petition

is dismissed. No costs.

(V.V.S.RAO, J)

January 06, 2006.

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